

AMENDED IN SENATE JULY 7, 1998

AMENDED IN SENATE JUNE 17, 1998

AMENDED IN ASSEMBLY APRIL 22, 1998

AMENDED IN ASSEMBLY APRIL 2, 1998

AMENDED IN ASSEMBLY MARCH 23, 1998

CALIFORNIA LEGISLATURE—1997–98 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2169**

---

**Introduced by Assembly Member Kuehl**

February 19, 1998

---

An act to amend Sections 3773, 4014, 7571, 7572, 7573, and 7575 of the Family Code, to amend Section 102766 of the Health and Safety Code, to amend Section 1088.5 of the Unemployment Insurance Code, and to amend Sections 11350.6, 11475.8, 11478.1, 11478.2, and 16576 of, to repeal Section 16576.5 of, and to repeal and add Section 16577 of, the Welfare and Institutions Code, relating to spousal and child support.

LEGISLATIVE COUNSEL'S DIGEST

AB 2169, as amended, Kuehl. Human services.

(1) Under existing law, the State Office of Vital Records and the State Registrar have a variety of responsibilities relating to the establishment of voluntary paternity.

This bill would replace references to the State Office of Vital Records and the State Registrar, with references to the State Department of Social Services, in connection with the

above responsibilities, and would make additional revisions to these provisions.

(2) Existing law exempts a district attorney from a requirement to pay fees in any action or proceeding brought for the establishment of a child support obligation or the enforcement of a child or spousal support obligation, except that a district attorney may reimburse a county for those direct costs related to those actions or proceedings that have been agreed to pursuant to a plan of cooperation.

This bill would delete this exception.

(3) Existing unemployment insurance law requires each employer, effective July 1, 1998, to file with the Employment Development Department specified information on new employees.

This bill would include a labor union hiring hall as an employer for purposes of this provision.

(4) Existing law sets forth a procedure for withholding issuance or renewal of, or suspending, a license of a person not in compliance with certain orders or judgments relating to child support. Existing law includes within those provisions a license used for recreational purposes.

This bill would include within those provisions a license used for sporting purposes, including hunting and sportfishing licenses.

(5) The bill would also revise provisions relating to the collection of certain performance-based data regarding child support, the release of information under a protective order regarding the whereabouts of parties involved in child and spousal support enforcement programs, the time period for notification to the recipient of the establishment or modification of a support order, and would make other clarifying and technical changes.

(6) Existing law provides procedures for the collection and distribution of child support owed or paid to custodial parents. Existing law requires the Judicial Council to develop forms to implement designated procedures related to judgments for paternity or child support orders, and to make those forms available no later than July 1, 1998.

This bill would, instead, require that the forms be developed so as not to delay implementation, and be available

no later than 30 days prior to implementation, of the Statewide Child Support Registry.

(7) Existing law requires the development of an implementation plan for a Statewide Child Support Registry that includes the storage and data retrieval of various data elements for all California child support orders. Existing law requires the State Department of Social Services to contract with the Judicial Council to prepare and adopt, by January 31, 1998, a child support order and data form and an order of child support arrears form.

This bill would repeal these provisions and require, instead, that the Judicial Council develop, in the manner prescribed by the bill, any forms that may be necessary to implement the Statewide Child Support Registry. The bill would make related changes. The bill would also require that the information transmitted from the clerks of the court to the Statewide Child Support Registry include any information required by federal law and any other information the department and the Judicial Council find appropriate thereby imposing a state-mandated local program by increasing the duties of court clerks.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 3773 of the Family Code is  
2 amended to read:



1 3773. (a) This section applies only to Title IV-D cases  
2 where support enforcement services are being provided  
3 by the district attorney pursuant to Section 11475.1 of the  
4 Welfare and Institutions Code.

5 (b) After the court has ordered that a parent provide  
6 health insurance coverage, the district attorney may  
7 serve on the employer a notice of health insurance  
8 coverage assignment in lieu of the health insurance  
9 coverage assignment order. The notice of health  
10 insurance coverage assignment may be combined with  
11 the notice of earnings assignment that is authorized by  
12 Section 5246.

13 (c) A notice of health insurance coverage assignment  
14 shall have the same force and effect as a health insurance  
15 coverage assignment order.

16 (d) The obligor shall have the same right to move to  
17 quash or terminate a notice of health insurance coverage  
18 assignment as provided in this article for a health  
19 insurance coverage assignment order.

20 (e) The notice of health insurance assignment form  
21 shall contain the same information as the forms adopted  
22 by Judicial Council pursuant to Section 3772.

23 SEC. 2. Section 4014 of the Family Code is amended  
24 to read:

25 4014. (a) Any order for child support issued or  
26 modified pursuant to this chapter shall include a  
27 provision requiring the obligor and child support obligee  
28 to notify the other parent or, if the order requires  
29 payment through an agency designated under Title IV-D  
30 of the Social Security Act (42 U.S.C. Sec. 651, et seq.), the  
31 agency named in the order, of the name and address of  
32 his or her current employer.

33 (b) To the extent required by federal law, and subject  
34 to applicable confidentiality provisions of state or federal  
35 law, any judgment for paternity and any order for child  
36 support entered or modified pursuant to any provision of  
37 law shall include a provision requiring the child support  
38 obligor and obligee to file with the court all of the  
39 following information:

40 (1) Residential and mailing address.

1 (2) Social security number.

2 (3) Telephone number.

3 (4) Driver's license number.

4 (5) Name, address, and telephone number of the  
5 employer.

6 (6) Any other information prescribed by the Judicial  
7 Council.

8 The judgment or order shall specify that each parent is  
9 responsible for providing his or her own information, that  
10 the information must be filed with the court within 10  
11 days of the court order, and that new or different  
12 information must be filed with the court within 10 days  
13 after any event causing a change in the previously  
14 provided information.

15 (c) Once the child support registry, as described in  
16 Section 16576 of the Welfare and Institutions Code is  
17 operational, any judgment for paternity and any order for  
18 child support entered or modified pursuant to any  
19 provision of law shall include a provision requiring the  
20 child support obligor and obligee to file and keep updated  
21 the information specified in subdivision (b) with the child  
22 support registry.

23 (d) The Judicial Council shall develop forms to  
24 implement this section. The forms shall be developed so  
25 as not to delay the implementation of the Statewide Child  
26 Support Registry described in Section 16576 of the  
27 Welfare and Institutions Code and shall be available no  
28 later than 30 days prior to the implementation of the  
29 Statewide Child Support Registry.

30 SEC. 3. Section 7571 of the Family Code is amended  
31 to read:

32 7571. (a) On and after January 1, 1995, upon the  
33 event of a live birth, prior to an unmarried mother  
34 leaving any hospital, the person responsible for  
35 registering live births under Section 102405 of the Health  
36 and Safety Code shall provide to the natural mother and  
37 shall attempt to provide, at the place of birth, to the man  
38 identified by the natural mother as the natural father, a  
39 voluntary declaration of paternity together with the  
40 written materials described in Section 7572. The person

1 responsible for registering the birth shall forward the  
2 completed declaration to the State Department of Social  
3 Services, and, if requested, shall transmit a copy of the  
4 declaration to the district attorney of the county where  
5 the birth occurred. A copy of the declaration shall be  
6 made available to each of the attesting parents.

7 (b) No health care provider shall be subject to any  
8 civil, criminal, or administrative liability for any negligent  
9 act or omission relative to the accuracy of the information  
10 provided, or for filing the declaration with the  
11 appropriate state or local agencies.

12 (c) The district attorney shall pay the sum of ten  
13 dollars (\$10) to birthing hospitals and other entities that  
14 provide prenatal services for each completed declaration  
15 of paternity that is filed with the State Department of  
16 Social Services, provided that the district attorney and  
17 the hospital or other entity providing prenatal services  
18 has entered into a written agreement that specifies the  
19 terms and conditions for the payment as required by  
20 federal law.

21 (d) If the declaration is not registered by the person  
22 responsible for registering live births at the hospital, it  
23 may be completed by the attesting parents, notarized,  
24 and mailed to the State Department of Social Services at  
25 any time after the child's birth.

26 (e) Prenatal clinics may offer prospective parents the  
27 opportunity to sign a voluntary declaration of paternity.  
28 In order to be paid for their services as provided in  
29 subdivision (c), prenatal clinics must ensure that the  
30 form is witnessed and forwarded to the State Department  
31 of Social Services.

32 (f) Declarations shall be made available without  
33 charge at all district attorney offices, offices of local  
34 registrars of births and deaths, courts, and county welfare  
35 departments within this state. Staff in these offices shall  
36 witness the signatures of parents wishing to sign a  
37 voluntary declaration of paternity and shall be  
38 responsible for forwarding the signed declaration to the  
39 State Department of Social Services.

1 (g) The district attorney may, at his or her option, pay  
2 the sum of ten dollars (\$10) to local registrars of birth and  
3 deaths, county welfare departments, or courts for each  
4 completed declaration of paternity that is witnessed by  
5 staff in these offices and filed with the State Department  
6 of Social Services. In order to receive payment, the  
7 district attorney and the entity shall enter into a written  
8 agreement that specifies the terms and conditions for  
9 payment as required by federal law. The State  
10 Department of Social Services shall study the effect of the  
11 ten dollar (\$10) payment on obtaining completed  
12 voluntary declaration of paternity forms and shall report  
13 to the Legislature on any recommendations to change the  
14 ten dollar (\$10) optional payment, if appropriate, by  
15 January 1, 2000.

16 (h) The State Department of Social Services and  
17 district attorneys shall publicize the availability of the  
18 declarations. The district attorney shall make the  
19 declaration, together with the written materials  
20 described in subdivision (a) of Section 7572, available  
21 upon request to any parent. The district attorney shall  
22 also provide qualified staff to answer parents' questions  
23 regarding the declaration and the process of establishing  
24 paternity.

25 (i) Copies of the declaration filed with the State  
26 Department of Social Services shall be made available  
27 only to the parents, the child, the district attorney, the  
28 county welfare department, the county counsel, and the  
29 State Department of Social Services.

30 SEC. 4. Section 7572 of the Family Code is amended  
31 to read:

32 7572. (a) The State Department of Social Services, in  
33 consultation with the State Department of Health  
34 Services, the California Association of Hospitals and  
35 Health Systems, and other affected health provider  
36 organizations, shall work cooperatively to develop  
37 written materials to assist providers and parents in  
38 complying with this chapter.

39 (b) The written materials for parents which shall be  
40 attached to the form specified in Section 7574 and

1 provided to unmarried parents shall contain the  
2 following information:

3 (1) A signed voluntary declaration of paternity that is  
4 filed with the State Department of Social Services legally  
5 establishes paternity.

6 (2) The legal rights and obligations of both parents and  
7 the child that result from the establishment of paternity.

8 (3) An alleged father's constitutional rights to have the  
9 issue of paternity decided by a court; to notice of any  
10 hearing on the issue of paternity; to have an opportunity  
11 to present his case to the court, including his right to  
12 present and cross-examine witnesses; to have an attorney  
13 represent him; and to have an attorney appointed to  
14 represent him if he cannot afford one in a paternity action  
15 filed by the district attorney.

16 (4) That by signing the voluntary declaration of  
17 paternity, the father is voluntarily waiving his  
18 constitutional rights.

19 (c) Parents shall also be given oral notice of the rights  
20 and responsibilities specified in subdivision (b). Oral  
21 notice may be accomplished through the use of audio or  
22 videotape programs developed by the State Department  
23 of Social Services to the extent permitted by federal law.

24 (d) The State Department of Social Services shall, free  
25 of charge, make available to hospitals, clinics, and other  
26 places of birth any and all informational and training  
27 materials for the program under this chapter, as well as  
28 the paternity declaration form. The State Department of  
29 Social Services shall make training available to every  
30 participating hospital, clinic, local registrar of births and  
31 deaths, and other place of birth no later than June 30,  
32 1999.

33 (e) The State Department of Social Services may  
34 adopt regulations, including emergency regulations,  
35 necessary to implement this chapter.

36 SEC. 5. Section 7573 of the Family Code is amended  
37 to read:

38 7573. Except as provided in Sections 7575, 7576, and  
39 7577, a completed voluntary declaration of paternity, as  
40 described in Section 7574, that has been filed with the



1 State Department of Social Services shall establish the  
2 paternity of a child and shall have the same force and  
3 effect as a judgment for paternity issued by a court of  
4 competent jurisdiction. The voluntary declaration of  
5 paternity shall be recognized as a basis for the  
6 establishment of an order for child custody, visitation, or  
7 child support.

8 SEC. 6. Section 7575 of the Family Code is amended  
9 to read:

10 7575. (a) Either parent may rescind the voluntary  
11 declaration of paternity by filing a rescission form with  
12 the State Department of Social Services within 60 days of  
13 the date of execution of the declaration by the attesting  
14 father or attesting mother, whichever signature is later,  
15 unless a court order for custody, visitation, or child  
16 support has been entered in an action in which the  
17 signatory seeking to rescind was a party. The State  
18 Department of Social Services shall develop a form to be  
19 used by parents to rescind the declaration of paternity  
20 and instruction on how to complete and file the rescission  
21 with the State Department of Social Services. The form  
22 shall include a declaration under penalty of perjury  
23 completed by the person filing the rescission form that  
24 certifies that a copy of the rescission form was sent by any  
25 form of mail requiring a return receipt to the other  
26 person who signed the voluntary declaration of paternity.  
27 A copy of the return receipt shall be attached to the  
28 rescission form when filed with the State Department of  
29 Social Services. The form and instructions shall be written  
30 in simple, easy to understand language and shall be made  
31 available at the local family support office and the office  
32 of local registrar of births and deaths.

33 (b) (1) Notwithstanding Section 7573, if the court  
34 finds that the conclusions of all of the experts based upon  
35 the results of the genetic tests performed pursuant to  
36 Chapter 2 (commencing with Section 7550) are that the  
37 man who signed the voluntary declaration is not the  
38 father of the child, the court may set aside the voluntary  
39 declaration of paternity.

1 (2) The notice of motion for genetic tests under this  
2 section may be filed not later than two years from the date  
3 of the child's birth by either the mother or the man who  
4 signed the voluntary declaration as the child's father in an  
5 action to determine the existence or nonexistence of the  
6 father and child relationship pursuant to Section 7630 or  
7 in any action to establish an order for child custody,  
8 visitation, or child support based upon the voluntary  
9 declaration of paternity.

10 (3) The notice of motion for genetic tests pursuant to  
11 this section shall be supported by a declaration under oath  
12 submitted by the moving party stating the factual basis  
13 for putting the issue of paternity before the court.

14 (c) (1) Nothing in this chapter shall be construed to  
15 prejudice or bar the rights of either parent to file an  
16 action or motion to set aside the voluntary declaration of  
17 paternity on any of the grounds described in, and within  
18 the time limits specified in, Section 473 of the Code of  
19 Civil Procedure and Chapter 10 (commencing with  
20 Section 2120) of Part 1 of Division 6. If the action or  
21 motion to set aside the voluntary declaration of paternity  
22 is for fraud or perjury, the act must have induced the  
23 defrauded parent to sign the voluntary declaration of  
24 paternity. If the action or motion to set aside a judgment  
25 is required to be filed within a specified time period  
26 under Section 473 of the Code of Civil Procedure or  
27 Section 2122, the period within which the action or  
28 motion to set aside the voluntary declaration of paternity  
29 must be filed shall commence on the date that the court  
30 makes a finding of paternity based upon the voluntary  
31 declaration of paternity in an action for custody,  
32 visitation, or child support.

33 (2) The parent seeking to set aside the voluntary  
34 declaration of paternity shall have the burden of proof.

35 (3) Any order for custody, visitation, or child support  
36 shall remain in effect until the court determines that the  
37 voluntary declaration of paternity should be set aside,  
38 subject to the court's power to modify the orders as  
39 otherwise provided by law.

(4) Nothing in this section is intended to restrict a court from acting as a court of equity.

(5) If the voluntary declaration of paternity is set aside pursuant to paragraph (1), the court shall order that the mother, child, and alleged father submit to genetic tests pursuant to Chapter 2 (commencing with Section 7550).

If the court finds that the conclusions of all the experts, as disclosed by the evidence based upon the genetic tests, are that the person who executed the voluntary declaration of paternity is not the father of the child, the question of paternity shall be resolved accordingly. If the person who executed the declaration as the father of the child is not excluded as a possible father, the question of paternity shall be resolved as otherwise provided by law. If the person who executed the declaration of paternity is ultimately determined to be the father of the child, any child support that accrued under an order based upon the voluntary declaration of paternity shall remain due and owing.

(6) The Judicial Council shall develop the forms and procedures necessary to effectuate this subdivision.

SEC. 7. Section 102766 of the Health and Safety Code is amended to read:

102766. (a) When a voluntary declaration of paternity is filed with the State Department of Social Services pursuant to subdivision (d) of Section 7571 of the Family Code, an application may be submitted to the State Registrar requesting that the father's name be added to the child's birth certificate.

(b) Upon receipt of the application and payment of the required fee, the State Registrar shall review the application for acceptance for filing, and if accepted, shall establish a new birth certificate for the child in the manner prescribed in Article 1 (commencing with Section 102625), if the original record of birth is on file in the office of the State Registrar.

SEC. 8. Section 1088.5 of the Unemployment Insurance Code is amended to read:

1088.5. (a) In addition to information reported in accordance with Section 1088, effective July 1, 1998, each

1 employer shall file, with the department, the information  
2 provided for in subdivision (b) on new employees.

3 (b) Each employer shall report the hiring of any  
4 employee who works in this state and to whom the  
5 employer anticipates paying wages.

6 (c) (1) This section shall not apply to any department,  
7 agency, or instrumentality of the United States.

8 (2) State agency employers shall not be required to  
9 report employees performing intelligence or  
10 counterintelligence functions, if the head of the agency  
11 has determined that reporting pursuant to this section  
12 would endanger the safety of the employee or  
13 compromise an ongoing investigation or intelligence  
14 mission.

15 (d) (1) Employers shall submit a report as described  
16 in paragraph (4) within 20 days of hiring any employee  
17 whom the employer is required to report pursuant to this  
18 section.

19 (2) Notwithstanding subdivision (a), employers  
20 transmitting reports magnetically or electronically shall  
21 submit the report by two monthly transmissions not less  
22 than 12 days no more than 16 days apart.

23 (3) For purposes of this section, an employer that has  
24 employees in two or more states and that transmits  
25 reports magnetically or electronically may designate one  
26 state in which the employer has employees to which the  
27 employer will transmit the report described in paragraph  
28 (4). Any employer that transmits reports pursuant to this  
29 paragraph shall notify the Secretary of Health and  
30 Human Services in writing as to which state the employer  
31 designates for the purpose of sending reports.

32 (4) The report shall contain the following:

33 (A) The name, address, and social security number of  
34 the employees.

35 (B) The employer's name, address, state employer  
36 identification number (if one has been issued), and  
37 identifying number assigned to the employer under  
38 Section 6109 of the Internal Revenue Code of 1986.

39 (C) The first date the employee worked.

(5) Employers may report pursuant to this section by submitting a copy of the employee's W-4 form, a form provided by the department, or any other hiring document transmitted by first-class mail, magnetically, or electronically.

(e) For each failure to report the hiring of an employee, as required and within the time required by this section, unless the failure is due to good cause, the department may assess a penalty of twenty-four dollars (\$24), or four hundred ninety dollars (\$490) if the failure is the result of conspiracy between the employer and employee not to supply the required report or to supply a false or incomplete report.

(f) Information collected pursuant to this section may be used for the following purposes:

(1) Administration of this code.

(2) Locating individuals for purposes of establishing paternity and establishing, modifying, and enforcing child support obligations.

(3) Administration of employment security and workers' compensation programs.

(4) Providing employer or employee information to the Franchise Tax Board for the purpose of tax enforcement.

(5) Verification of eligibility of applicants for, or recipients of, the public assistance programs listed in Section 1320b-7(b) of Title 42 of the United States Code.

(g) For purposes of this section, "employer" includes a labor union hiring hall.

(h) This section shall become operative on July 1, 1998.

SEC. 9. Section 11350.6 of the Welfare and Institutions Code is amended to read:

11350.6. (a) As used in this section:

(1) "Applicant" means any person applying for issuance or renewal of a license.

(2) "Board" means any entity specified in Section 101 of the Business and Professions Code, the entities referred to in Sections 1000 and 3600 of the Business and Professions Code, the State Bar, the Department of Real Estate, the Department of Motor Vehicles, the Secretary

1 of State, the Department of Fish and Game, and any other  
2 state commission, department, committee, examiner, or  
3 agency that issues a license, certificate, credential,  
4 permit, registration, or any other authorization to engage  
5 in a business, occupation, or profession, or to the extent  
6 required by federal law or regulations, for recreational  
7 purposes. This term includes all boards, commissions,  
8 departments, committees, examiners, entities, and  
9 agencies that issue a license, certificate, credential,  
10 permit, registration, or any other authorization to engage  
11 in a business, occupation, or profession. The failure to  
12 specifically name a particular board, commission,  
13 department, committee, examiner, entity, or agency that  
14 issues a license, certificate, credential, permit,  
15 registration, or any other authorization to engage in a  
16 business, occupation, or profession does not exclude that  
17 board, commission, department, committee, examiner,  
18 entity, or agency from this term.

19 (3) “Certified list” means a list provided by the district  
20 attorney to the State Department of Social Services in  
21 which the district attorney verifies, under penalty of  
22 perjury, that the names contained therein are support  
23 obligors found to be out of compliance with a judgment  
24 or order for support in a case being enforced under Title  
25 IV-D of the Social Security Act.

26 (4) “Compliance with a judgment or order for  
27 support” means that, as set forth in a judgment or order  
28 for child or family support, the obligor is no more than 30  
29 calendar days in arrears in making payments in full for  
30 current support, in making periodic payments in full,  
31 whether court ordered or by agreement with the district  
32 attorney, on a support arrearage, or in making periodic  
33 payments in full, whether court ordered or by agreement  
34 with the district attorney, on a judgment for  
35 reimbursement for public assistance, or has obtained a  
36 judicial finding that equitable estoppel as provided in  
37 statute or case law precludes enforcement of the order.  
38 The district attorney is authorized to use this section to  
39 enforce orders for spousal support only when the district  
40 attorney is also enforcing a related child support

1 obligation owed to the obligee parent by the same  
2 obligor, pursuant to Sections 11475.1 and 11475.2.

3 (5) “License” includes membership in the State Bar,  
4 and a certificate, credential, permit, registration, or any  
5 other authorization issued by a board that allows a person  
6 to engage in a business, occupation, or profession, or to  
7 operate a commercial motor vehicle, including  
8 appointment and commission by the Secretary of State as  
9 a notary public. “License” also includes any driver’s  
10 license issued by the Department of Motor Vehicles, any  
11 commercial fishing license issued by the Department of  
12 Fish and Game, and to the extent required by federal law  
13 or regulations, any license used for recreational or  
14 sporting purposes, including any license issued by the  
15 Department of Fish and Game pursuant to Chapter 1  
16 (commencing with Section 3000) of Part 1 of Division 4,  
17 or Chapter 1 (commencing with Section 7100) of Part 2  
18 of Division 6, of the Fish and Game Code. This term  
19 includes all licenses, certificates, credentials, permits,  
20 registrations, or any other authorization issued by a board  
21 that allows a person to engage in a business, occupation,  
22 or profession. The failure to specifically name a particular  
23 type of license, certificate, credential, permit,  
24 registration, or other authorization issued by a board that  
25 allows a person to engage in a business, occupation, or  
26 profession, does not exclude that license, certificate,  
27 credential, permit, registration, or other authorization  
28 from this term.

29 (6) “Licensee” means any person holding a license,  
30 certificate, credential, permit, registration, or other  
31 authorization issued by a board, to engage in a business,  
32 occupation, or profession, or a commercial driver’s  
33 license as defined in Section 15210 of the Vehicle Code,  
34 including an appointment and commission by the  
35 Secretary of State as a notary public. “Licensee” also  
36 means any person holding a driver’s license issued by the  
37 Department of Motor Vehicles, any person holding a  
38 commercial fishing license issued by the Department of  
39 Fish and Game, and to the extent required by federal law  
40 or regulations, any person holding a license used for

1 recreational or sporting purposes, including any license  
2 issued by the Department of Fish and Game pursuant to  
3 Chapter 1 (commencing with Section 3000) of Part 1 of  
4 Division 4, or Chapter 1 (commencing with Section 7100)  
5 of Part 2 of Division 6, of the Fish and Game Code. This  
6 term includes all persons holding a license, certificate,  
7 credential, permit, registration, or any other  
8 authorization to engage in a business, occupation, or  
9 profession, and the failure to specifically name a  
10 particular type of license, certificate, credential, permit,  
11 registration, or other authorization issued by a board does  
12 not exclude that person from this term.

13 (b) The district attorney shall maintain a list of those  
14 persons included in a case being enforced under Title  
15 IV-D of the Social Security Act against whom a support  
16 order or judgment has been rendered by, or registered in,  
17 a court of this state, and who are not in compliance with  
18 that order or judgment. The district attorney shall submit  
19 a certified list with the names, social security numbers,  
20 and last known addresses of these persons and the name,  
21 address, and telephone number of the district attorney  
22 who certified the list to the State Department of Social  
23 Services. The district attorney shall verify, under penalty  
24 of perjury, that the persons listed are subject to an order  
25 or judgment for the payment of support and that these  
26 persons are not in compliance with the order or  
27 judgment. The district attorney shall submit to the State  
28 Department of Social Services an updated certified list on  
29 a monthly basis.

30 (c) The State Department of Social Services shall  
31 consolidate the certified lists received from the district  
32 attorneys and, within 30 calendar days of receipt, shall  
33 provide a copy of the consolidated list to each board  
34 which is responsible for the regulation of licenses, as  
35 specified in this section.

36 (d) On or before November 1, 1992, or as soon  
37 thereafter as economically feasible, as determined by the  
38 State Department of Social Services, all boards subject to  
39 this section shall implement procedures to accept and  
40 process the list provided by the State Department of



1 Social Services, in accordance with this section.  
 2 Notwithstanding any other provision of law, all boards  
 3 shall collect social security numbers from all applicants  
 4 for the purposes of matching the names of the certified  
 5 list provided by the State Department of Social Services  
 6 to applicants and licensees and of responding to requests  
 7 for this information made by child support agencies.

8 (e) (1) Promptly after receiving the certified  
 9 consolidated list from the State Department of Social  
 10 Services, and prior to the issuance or renewal of a license,  
 11 each board shall determine whether the applicant is on  
 12 the most recent certified consolidated list provided by the  
 13 State Department of Social Services. The board shall have  
 14 the authority to withhold issuance or renewal of the  
 15 license of any applicant on the list.

16 (2) If an applicant is on the list, the board shall  
 17 immediately serve notice as specified in subdivision (f)  
 18 on the applicant of the board's intent to withhold issuance  
 19 or renewal of the license. The notice shall be made  
 20 personally or by mail to the applicant's last known mailing  
 21 address on file with the board. Service by mail shall be  
 22 complete in accordance with Section 1013 of the Code of  
 23 Civil Procedure.

24 (A) The board shall issue a temporary license valid for  
 25 a period of 150 days to any applicant whose name is on the  
 26 certified list if the applicant is otherwise eligible for a  
 27 license.

28 (B) Except as provided in subparagraph (D), the  
 29 150-day time period for a temporary license shall not be  
 30 extended. Except as provided in subparagraph (D), only  
 31 one temporary license shall be issued during a regular  
 32 license term and it shall coincide with the first 150 days  
 33 of that license term. *An applicant for a license used for*  
 34 *recreational or sporting purposes, as defined under this*  
 35 *section, shall be issued only one 150-day temporary*  
 36 *license and shall not receive an additional 150-day*  
 37 *temporary license for any subsequent license term if the*  
 38 *applicant fails to comply with a support order or*  
 39 *judgement for the payment of support and remains in*  
 40 *noncompliance with that order or judgement. As this*

1 paragraph applies to commercial driver's licenses,  
2 "license term" shall be deemed to be 12 months from the  
3 date the application fee is received by the Department of  
4 Motor Vehicles. A license for the full or remainder of the  
5 license term shall be issued or renewed only upon  
6 compliance with this section.

7 (C) In the event that a license or application for a  
8 license or the renewal of a license is denied pursuant to  
9 this section, any funds paid by the applicant or licensee  
10 shall not be refunded by the board.

11 (D) This paragraph shall apply only in the case of a  
12 driver's license, other than a commercial driver's license.  
13 Upon the request of the district attorney or by order of  
14 the court upon a showing of good cause, the board shall  
15 extend a 150-day temporary license for a period not to  
16 exceed 150 extra days.

17 (3) (A) The State Department of Social Services may,  
18 when it is economically feasible for the department and  
19 the boards to do so as determined by the department, in  
20 cases where the department is aware that certain child  
21 support obligors listed on the certified lists have been out  
22 of compliance with a judgment or order for support for  
23 more than four months, provide a supplemental list of  
24 these obligors to each board with which the department  
25 has an interagency agreement to implement this  
26 paragraph. Upon request by the department, the licenses  
27 of these obligors shall be subject to suspension, provided  
28 that the licenses would not otherwise be eligible for  
29 renewal within six months from the date of the request by  
30 the department. The board shall have the authority to  
31 suspend the license of any licensee on this supplemental  
32 list.

33 (B) If a licensee is on a supplemental list, the board  
34 shall immediately serve notice as specified in subdivision  
35 (f) on the licensee that his or her license will be  
36 automatically suspended 150 days after notice is served,  
37 unless compliance with this section is achieved. The  
38 notice shall be made personally or by mail to the licensee's  
39 last known mailing address on file with the board. Service

1 by mail shall be complete in accordance with Section 1013  
2 of the Code of Civil Procedure.

3 (C) The 150-day notice period shall not be extended.

4 (D) In the event that any license is suspended  
5 pursuant to this section, any funds paid by the licensee  
6 shall not be refunded by the board.

7 (E) This paragraph shall not apply to licenses subject  
8 to annual renewal or annual fee.

9 (f) Notices shall be developed by each board in  
10 accordance with guidelines provided by the State  
11 Department of Social Services and subject to approval by  
12 the State Department of Social Services. The notice shall  
13 include the address and telephone number of the district  
14 attorney who submitted the name on the certified list,  
15 and shall emphasize the necessity of obtaining a release  
16 from that district attorney's office as a condition for the  
17 issuance, renewal, or continued valid status of a license or  
18 licenses. *Notices issued to applicants for licenses used for*  
19 *recreational and sporting purposes, as defined under this*  
20 *section, shall contain a statement that this section*  
21 *requires boards to withhold issuance or renewal of these*  
22 *licenses in conformance with federal law.*

23 (1) In the case of applicants not subject to paragraph  
24 (3) of subdivision (e), the notice shall inform the  
25 applicant that the board shall issue a temporary license,  
26 as provided in subparagraph (A) of paragraph (2) of  
27 subdivision (e), for 150 calendar days if the applicant is  
28 otherwise eligible and that upon expiration of that time  
29 period the license will be denied unless the board has  
30 received a release from the district attorney who  
31 submitted the name on the certified list.

32 (2) In the case of licensees named on a supplemental  
33 list, the notice shall inform the licensee that his or her  
34 license will continue in its existing status for no more than  
35 150 calendar days from the date of mailing or service of  
36 the notice and thereafter will be suspended indefinitely  
37 unless, during the 150-day notice period, the board has  
38 received a release from the district attorney who  
39 submitted the name on the certified list. Additionally, the  
40 notice shall inform the licensee that any license

1 suspended under this section will remain so until the  
2 expiration of the remaining license term, unless the board  
3 receives a release along with applications and fees, if  
4 applicable, to reinstate the license during the license  
5 term.

6 (3) The notice shall also inform the applicant or  
7 licensee that if an application is denied or a license is  
8 suspended pursuant to this section, any funds paid by the  
9 applicant or licensee shall not be refunded by the board.  
10 The State Department of Social Services shall also  
11 develop a form that the applicant shall use to request a  
12 review by the district attorney. A copy of this form shall  
13 be included with every notice sent pursuant to this  
14 subdivision.

15 (g) (1) Each district attorney shall maintain review  
16 procedures consistent with this section to allow an  
17 applicant to have the underlying arrearage and any  
18 relevant defenses investigated, to provide an applicant  
19 information on the process of obtaining a modification of  
20 a support order, or to provide an applicant assistance in  
21 the establishment of a payment schedule on arrearages if  
22 the circumstances so warrant.

23 (2) It is the intent of the Legislature that a court or  
24 district attorney, when determining an appropriate  
25 payment schedule for arrearages, base its decision on the  
26 facts of the particular case and the priority of payment of  
27 child support over other debts. The payment schedule  
28 shall also recognize that certain expenses may be essential  
29 to enable an obligor to be employed. Therefore, in  
30 reaching its decision, the court or the district attorney  
31 shall consider both of these goals in setting a payment  
32 schedule for arrearages.

33 (h) If the applicant wishes to challenge the submission  
34 of his or her name on the certified list, the applicant shall  
35 make a timely written request for review on the form  
36 specified in subdivision (f) to the district attorney who  
37 certified the applicant's name. The district attorney shall,  
38 within 75 days of receipt of the written request, inform  
39 the applicant in writing of his or her findings upon  
40 completion of the review. The district attorney shall



1 immediately send a release to the appropriate board and  
2 the applicant, if any of the following conditions are met:

3 (1) The applicant is found to be in compliance or  
4 negotiates an agreement with the district attorney for a  
5 payment schedule on arrearages or reimbursement.

6 (2) The applicant has submitted a request for review,  
7 but the district attorney will be unable to complete the  
8 review and send notice of his or her findings to the  
9 applicant within 75 days. This paragraph applies only if  
10 the delay in completing the review process is not the  
11 result of the applicant's failure to act in a reasonable,  
12 timely, and diligent manner upon receiving notice from  
13 the board that his or her name is on the list.

14 (3) The applicant has filed and served a request for  
15 judicial review pursuant to this section, but a resolution  
16 of that review will not be made within 150 days of the date  
17 of service of notice pursuant to subdivision (f). This  
18 paragraph applies only if the delay in completing the  
19 judicial review process is not the result of the applicant's  
20 failure to act in a reasonable, timely, and diligent manner  
21 upon receiving the district attorney's notice of his or her  
22 findings.

23 (4) The applicant has obtained a judicial finding of  
24 compliance as defined in this section.

25 (i) An applicant is required to act with diligence in  
26 responding to notices from the board and the district  
27 attorney with the recognition that the temporary license  
28 will lapse or the license suspension will go into effect after  
29 150 days and that the district attorney and, where  
30 appropriate, the court must have time to act within that  
31 period. An applicant's delay in acting, without good  
32 cause, which directly results in the inability of the district  
33 attorney to complete a review of the applicant's request  
34 or the court to hear the request for judicial review within  
35 the 150-day period shall not constitute the diligence  
36 required under this section which would justify the  
37 issuance of a release.

38 (j) Except as otherwise provided in this section, the  
39 district attorney shall not issue a release if the applicant  
40 is not in compliance with the judgment or order for

1 support. The district attorney shall notify the applicant in  
2 writing that the applicant may, by filing an order to show  
3 cause or notice of motion, request any or all of the  
4 following:

5 (1) Judicial review of the district attorney's decision  
6 not to issue a release.

7 (2) A judicial determination of compliance.

8 (3) A modification of the support judgment or order.

9 The notice shall also contain the name and address of  
10 the court in which the applicant shall file the order to  
11 show cause or notice of motion and inform the applicant  
12 that his or her name shall remain on the certified list if the  
13 applicant does not timely request judicial review. The  
14 applicant shall comply with all statutes and rules of court  
15 regarding orders to show cause and notices of motion.

16 Nothing in this section shall be deemed to limit an  
17 applicant from filing an order to show cause or notice of  
18 motion to modify a support judgment or order or to fix a  
19 payment schedule on arrearages accruing under a  
20 support judgment or order or to obtain a court finding of  
21 compliance with a judgment or order for support.

22 (k) The request for judicial review of the district  
23 attorney's decision shall state the grounds for which  
24 review is requested and judicial review shall be limited to  
25 those stated grounds. The court shall hold an evidentiary  
26 hearing within 20 calendar days of the filing of the request  
27 for review. Judicial review of the district attorney's  
28 decision shall be limited to a determination of each of the  
29 following issues:

30 (1) Whether there is a support judgment, order, or  
31 payment schedule on arrearages or reimbursement.

32 (2) Whether the petitioner is the obligor covered by  
33 the support judgment or order.

34 (3) Whether the support obligor is or is not in  
35 compliance with the judgment or order of support.

36 (4) The extent to which the needs of the obligor,  
37 taking into account the obligor's payment history and the  
38 current circumstances of both the obligor and the  
39 obligee, warrant a conditional release as described in this  
40 subdivision.

1 The request for judicial review shall be served by the  
2 applicant upon the district attorney who submitted the  
3 applicant's name on the certified list within seven  
4 calendar days of the filing of the petition. The court has  
5 the authority to uphold the action, unconditionally  
6 release the license, or conditionally release the license.

7 If the judicial review results in a finding by the court  
8 that the obligor is in compliance with the judgment or  
9 order for support, the district attorney shall immediately  
10 send a release in accordance with subdivision (h) to the  
11 appropriate board and the applicant. If the judicial  
12 review results in a finding by the court that the needs of  
13 the obligor warrant a conditional release, the court shall  
14 make findings of fact stating the basis for the release and  
15 the payment necessary to satisfy the unrestricted  
16 issuance or renewal of the license without prejudice to a  
17 later judicial determination of the amount of support  
18 arrearages, including interest, and shall specify payment  
19 terms, compliance with which are necessary to allow the  
20 release to remain in effect.

21 (I) The State Department of Social Services shall  
22 prescribe release forms for use by district attorneys.  
23 When the obligor is in compliance, the district attorney  
24 shall mail to the applicant and the appropriate board a  
25 release stating that the applicant is in compliance. The  
26 receipt of a release shall serve to notify the applicant and  
27 the board that, for the purposes of this section, the  
28 applicant is in compliance with the judgment or order for  
29 support.

30 If the district attorney determines subsequent to the  
31 issuance of a release that the applicant is once again not  
32 in compliance with a judgment or order for support, or  
33 with the terms of repayment as described in this  
34 subdivision, the district attorney may notify the board,  
35 the obligor, and the State Department of Social Services  
36 in a format prescribed by the State Department of Social  
37 Services that the obligor is not in compliance.

38 The State Department of Social Services may, when it  
39 is economically feasible for the department and the  
40 boards to develop an automated process for complying

1 with this subdivision, notify the boards in a manner  
2 prescribed by the department, that the obligor is once  
3 again not in compliance. Upon receipt of this notice, the  
4 board shall immediately notify the obligor on a form  
5 prescribed by the department that the obligor's license  
6 will be suspended on a specific date, and this date shall be  
7 no longer than 30 days from the date the form is mailed.  
8 The obligor shall be further notified that the license will  
9 remain suspended until a new release is issued in  
10 accordance with subdivision (h). Nothing in this section  
11 shall be deemed to limit the obligor from seeking judicial  
12 review of suspension pursuant to the procedures  
13 described in subdivision (k).

14 (m) The State Department of Social Services may  
15 enter into interagency agreements with the state  
16 agencies that have responsibility for the administration of  
17 boards necessary to implement this section, to the extent  
18 that it is cost-effective to implement this section. These  
19 agreements shall provide for the receipt by the other  
20 state agencies and boards of federal funds to cover that  
21 portion of costs allowable in federal law and regulation  
22 and incurred by the state agencies and boards in  
23 implementing this section. Notwithstanding any other  
24 provision of law, revenue generated by a board or state  
25 agency shall be used to fund the nonfederal share of costs  
26 incurred pursuant to this section. These agreements shall  
27 provide that boards shall reimburse the State  
28 Department of Social Services for the nonfederal share of  
29 costs incurred by the department in implementing this  
30 section. The boards shall reimburse the State  
31 Department of Social Services for the nonfederal share of  
32 costs incurred pursuant to this section from moneys  
33 collected from applicants and licensees.

34 (n) Notwithstanding any other provision of law, in  
35 order for the boards subject to this section to be  
36 reimbursed for the costs incurred in administering its  
37 provisions, the boards may, with the approval of the  
38 appropriate department director, levy on all licensees  
39 and applicants a surcharge on any fee or fees collected  
40 pursuant to law, or, alternatively, with the approval of the



1 appropriate department director, levy on the applicants  
2 or licensees named on a certified list or supplemental list,  
3 a special fee.

4 (o) The process described in subdivision (h) shall  
5 constitute the sole administrative remedy for contesting  
6 the issuance of a temporary license or the denial or  
7 suspension of a license under this section. The procedures  
8 specified in the administrative adjudication provisions of  
9 the Administrative Procedure Act (Chapter 4.5  
10 (commencing with Section 11400) and Chapter 5  
11 (commencing with Section 11500) of Part 1 of Division 3  
12 of Title 2 of the Government Code) shall not apply to the  
13 denial, suspension, or failure to issue or renew a license or  
14 the issuance of a temporary license pursuant to this  
15 section.

16 (p) In furtherance of the public policy of increasing  
17 child support enforcement and collections, on or before  
18 November 1, 1995, the State Department of Social  
19 Services shall make a report to the Legislature and the  
20 Governor based on data collected by the boards and the  
21 district attorneys in a format prescribed by the State  
22 Department of Social Services. The report shall contain  
23 all of the following:

24 (1) The number of delinquent obligors certified by  
25 district attorneys under this section.

26 (2) The number of support obligors who also were  
27 applicants or licensees subject to this section.

28 (3) The number of new licenses and renewals that  
29 were delayed, temporary licenses issued, and licenses  
30 suspended subject to this section and the number of new  
31 licenses and renewals granted and licenses reinstated  
32 following board receipt of releases as provided by  
33 subdivision (h) by May 1, 1995.

34 (4) The costs incurred in the implementation and  
35 enforcement of this section.

36 (q) Any board receiving an inquiry as to the licensed  
37 status of an applicant or licensee who has had a license  
38 denied or suspended under this section or has been  
39 granted a temporary license under this section shall  
40 respond only that the license was denied or suspended or

1 the temporary license was issued pursuant to this section.  
2 Information collected pursuant to this section by any  
3 state agency, board, or department shall be subject to the  
4 Information Practices Act of 1977 (Chapter 1  
5 (commencing with Section 1798) of Title 1.8 of Part 4 of  
6 Division 3 of the Civil Code).

7 (r) Any rules and regulations issued pursuant to this  
8 section by any state agency, board, or department may be  
9 adopted as emergency regulations in accordance with the  
10 rulemaking provisions of the Administrative Procedure  
11 Act (Chapter 3.5 (commencing with Section 11340) of  
12 Part 1 of Division 3 of Title 2 of the Government Code).  
13 The adoption of these regulations shall be deemed an  
14 emergency and necessary for the immediate  
15 preservation of the public peace, health, and safety, or  
16 general welfare. The regulations shall become effective  
17 immediately upon filing with the Secretary of State.

18 (s) The State Department of Social Services and  
19 boards, as appropriate, shall adopt regulations necessary  
20 to implement this section.

21 (t) The Judicial Council shall develop the forms  
22 necessary to implement this section, except as provided  
23 in subdivisions (f) and (l).

24 (u) The release or other use of information received  
25 by a board pursuant to this section, except as authorized  
26 by this section, is punishable as a misdemeanor.

27 (v) The State Board of Equalization shall enter into  
28 interagency agreements with the State Department of  
29 Social Services and the Franchise Tax Board that will  
30 require the State Department of Social Services and the  
31 Franchise Tax Board to maximize the use of information  
32 collected by the State Board of Equalization, for child  
33 support enforcement purposes, to the extent it is  
34 cost-effective and permitted by the Revenue and  
35 Taxation Code.

36 (w) The suspension or revocation of any driver's  
37 license, including a commercial driver's license, under  
38 this section shall not subject the licensee to vehicle  
39 impoundment pursuant to Section 14602.6 of the Vehicle  
40 Code.

(x) If any provision of this section or the application thereof to any person or circumstance is held invalid, that invalidity shall not affect other provisions or applications of this section which can be given effect without the invalid provision or application, and to this end the provisions of this section are severable.

(y) All rights to administrative and judicial review afforded by this section to an applicant shall also be afforded to a licensee.

SEC. 10. Section 11475.8 of the Welfare and Institutions Code is amended to read:

11475.8. (a) The Legislature finds and declares all of the following:

(1) The Legislative Analyst has found that county child support enforcement programs provide a net increase in revenues to the state.

(2) The state has a fiscal interest in ensuring that county child support enforcement programs perform efficiently.

(3) The state does not provide information to counties on child support enforcement programs, based on common denominators that would facilitate comparison of program performance.

(4) Providing this information would allow county officials to monitor program performance and to make appropriate modifications to improve program efficiency.

(5) This information is required for effective management of the child support program.

(b) (1) Except as provided in paragraph (2), commencing with the 1998–99 fiscal year, and for each fiscal year thereafter, each county that is participating in the state incentive program described in Section 15200.81 shall provide to the department, and the department shall compile from this county child support information, quarterly and annually, all of the following performance-based data, as established by the federal incentive funding system, provided that the department may revise the data required by this paragraph in order

1 to conform to the final federal incentive system data  
2 definitions:

3 (A) One of the following data relating to paternity  
4 establishment, as required by the department, provided  
5 that the department shall require all counties to report on  
6 the same measurement:

7 (i) The total number of children in the caseload  
8 governed by Subtitle D (commencing with Section 450)  
9 of Title IV of the federal Social Security Act (42 U.S.C.  
10 Sec. 650 et seq.), as of the end of the federal fiscal year,  
11 who were born to unmarried parents for whom paternity  
12 was established or acknowledged, and the total number  
13 of children in that caseload, as of the end of the preceding  
14 federal fiscal year, who were born to unmarried parents.

15 (ii) The total number of minor children who were  
16 born in the state to unmarried parents for whom  
17 paternity was established or acknowledged during a  
18 federal fiscal year, and the total number of children in the  
19 state born to unmarried parents during the preceding  
20 federal fiscal year.

21 (B) The number of cases governed by Subtitle D  
22 (commencing with Section 450) of Title IV of the federal  
23 Social Security Act (42 U.S.C. Sec. 650 et seq.) during the  
24 federal fiscal year and the total number of those cases  
25 with support orders.

26 (C) The total dollars collected during the federal fiscal  
27 year for current support in cases governed by Subtitle D  
28 (commencing with Section 450) of Title IV of the federal  
29 Social Security Act (42 U.S.C. Sec. 650 et seq.) and the  
30 total number of dollars owing for current support during  
31 that federal fiscal year in cases governed by those  
32 provisions.

33 (D) The total number of cases for the federal fiscal  
34 year governed by Subtitle D (commencing with Section  
35 450) of Title IV of the federal Social Security Act (42  
36 U.S.C. Sec. 650 et seq.) in which payment was being made  
37 toward child support arrearages and the total number of  
38 cases for that fiscal year governed by these federal  
39 provisions that had child support arrearages.

1 (E) The total number of dollars collected and  
2 expended during a federal fiscal year in cases governed  
3 by Subtitle D (commencing with Section 450) of Title IV  
4 of the federal Social Security Act (42 U.S.C. Sec. 650 et  
5 seq.).

6 (F) The total amount of child support dollars collected  
7 during a federal fiscal year, and, if and when required by  
8 federal law, the amount of these collections broken down  
9 by collections distributed on behalf of current recipients  
10 of federal Temporary Assistance for Needy Families  
11 block grant funds or federal foster care funds, on behalf  
12 of former recipients of federal Temporary Assistance for  
13 Needy Families block grant funds or federal foster care  
14 funds, or on behalf of persons who have never been  
15 recipients of these federal funds.

16 (2) A county may apply for an exemption from any or  
17 all of the reporting requirements of paragraph (1) for the  
18 1998–99 state fiscal year or any quarter of that fiscal year,  
19 as well as for the first quarter of the 1999–2000 fiscal year,  
20 by submitting an application for the exemption to the  
21 department at least three months prior to the  
22 commencement of the fiscal year or quarter for which the  
23 exemption is sought. A county shall provide a separate  
24 justification for each data element under paragraph (1)  
25 for which the county is seeking an exemption and the cost  
26 to the county of providing the data. The department may  
27 not grant an exemption for more than one year. The  
28 department may grant a single exemption only if both of  
29 the following conditions are met:

30 (A) The county cannot compile the data being sought  
31 through its existing automated system or systems.

32 (B) The county cannot compile the data being sought  
33 through manual means or through an enhanced  
34 automated system or systems without significantly  
35 harming the child support collection efforts of the county.

36 (c) Except as provided in paragraph (6), before  
37 implementation of the state child support computers, the  
38 statewide automated system, and the Los Angeles  
39 Automated Child Support Enforcement Replacement  
40 System (ARS), in addition to the information required by

1 subdivision (b), the department shall collect, on a  
2 monthly basis, from each county that is participating in  
3 the state incentive program described in Section  
4 15200.81, information on the county child support  
5 enforcement program beginning with the 1998–99 fiscal  
6 year, and for each subsequent fiscal year, and shall report  
7 quarterly and annually on all of the following  
8 measurements:

9 (1) For each of the following support collection  
10 categories, the number of cases with support collected  
11 shall include only the number of cases actually receiving  
12 a collection, not the number of payments received. For  
13 purposes of determining the number of cases with an  
14 order of current support and the number of cases in  
15 which current support is being collected, cases with a  
16 medical support order that do not have an order for  
17 current support shall not be counted.

18 (A) The number of cases with an order for current  
19 support.

20 (B) The number of cases with collections of current  
21 support.

22 (C) The number of cases with an order for arrears.

23 (D) The number of cases with arrears collections.

24 (2) The number of alleged fathers or obligors who  
25 were served with a summons and complaint to establish  
26 paternity or a support order. In order to be counted  
27 under this paragraph, the alleged father or obligor shall  
28 be successfully served with process. An alleged father  
29 shall be counted under this paragraph only once if he is  
30 served with process simultaneously for both a paternity  
31 and a support order proceeding for the same child or  
32 children. For purposes of this paragraph, a support order  
33 shall include a medical support order.

34 (3) The number of children requiring paternity  
35 establishment and the number of children for whom  
36 paternity has been established during the period.  
37 Paternity may only be established once for each child.  
38 Any child for whom paternity is not at issue shall not be  
39 counted in the number of children for whom paternity  
40 has been established. For this purpose, paternity is not at

1 issue if the parents were married and neither parent  
2 challenges paternity or a voluntary paternity declaration  
3 has been executed by the parents prior to the county  
4 child support enforcement program obtaining the case  
5 and neither parent challenges paternity.

6 (4) The number of cases requiring that a support order  
7 be established and the number of cases that had a support  
8 order established during the period. A support order shall  
9 be counted as established only when the appropriate  
10 court has issued an order for child support, including an  
11 order for temporary child support, or an order for  
12 medical support.

13 (5) The total cost of administering the county child  
14 support enforcement program, including the federal,  
15 state, and county share of the costs, and the federal and  
16 state incentives received by each county. The total cost  
17 of administering the program shall be broken down by  
18 the following:

19 (A) The direct costs of the program, broken down  
20 further by total employee salaries and benefits, a list of  
21 the number of employees broken down into at least the  
22 following categories: attorneys, administrators,  
23 caseworkers, investigators, and clerical support;  
24 contractor costs; space charges; and payments to other  
25 county agencies. Employee salaries and numbers need  
26 only be reported in the annual report.

27 (B) The indirect costs, showing all overhead charges.

28 (6) A county may apply for an exemption from any or  
29 all of the reporting requirements of this subdivision for a  
30 fiscal year by submitting an application for the exemption  
31 to the department at least three months prior to the  
32 commencement of the fiscal year or quarter for which the  
33 exemption is sought. A county shall provide a separate  
34 justification for each data element under this subdivision  
35 for which the county is seeking an exemption and the cost  
36 to the county of providing the data. The department may  
37 not grant an exemption for more than one year. The  
38 department may grant a single exemption only if both of  
39 the following conditions are met:

1 (A) The county cannot compile the data being sought  
2 through its existing automated system or systems.

3 (B) The county cannot compile the data being sought  
4 through manual means or through an enhanced  
5 automated system or systems without significantly  
6 harming the child support collection efforts of the county.

7 (d) After implementation of the statewide automated  
8 system, and ARS, in addition to the information required  
9 by subdivision (b), the department shall collect, on a  
10 monthly basis, from each county that is participating in  
11 the state incentive program described in Section  
12 15200.81, information on the county child support  
13 enforcement program beginning with the 1998–99 fiscal  
14 year or a later fiscal year, as appropriate, and for each  
15 subsequent fiscal year, and shall report quarterly and  
16 annually on all of the following measurements:

17 (1) For each of the following support collection  
18 categories, the number of cases with support collected  
19 shall include only the number of cases actually receiving  
20 a collection, not the number of payments received.

21 (A) (i) The number of cases with collections for  
22 current support.

23 (ii) The number of cases with arrears collections only.

24 (iii) The number of cases with both current support  
25 and arrears collections.

26 (B) For cases with current support only due.

27 (i) The number of cases in which the full amount of  
28 current support owed was collected.

29 (ii) The number of cases in which some amount of  
30 current support, but less than the full amount of support  
31 owed, was collected.

32 (iii) The number of cases in which no amount of  
33 support owed was collected.

34 (C) For cases in which arrears only were owed:

35 (i) The number of cases in which all arrears owed were  
36 collected.

37 (ii) The number of cases in which some amount of  
38 arrears, but less than the full amount of arrears owed,  
39 were collected.





1 (iii) The number of cases in which no amount of  
2 arrears owed were collected.

3 (D) For cases in which both current support and  
4 arrears are owed:

5 (i) The number of cases in which the full amount of  
6 current support and arrears owed were collected.

7 (ii) The number of cases in which some amount of  
8 current support and arrears, but less than the full amount  
9 of support owed, were collected.

10 (iii) The number of cases in which no amount of  
11 support owed was collected.

12 (E) The total number of cases in which an amount was  
13 due for current support only.

14 (F) The total number of cases in which an amount was  
15 due for both current support and arrears.

16 (G) The total number of cases in which an amount was  
17 due for arrears only.

18 (H) For cases with current support due, the number  
19 of cases without orders for medical support and the  
20 number of cases with an order for medical support.

21 (2) The number of alleged fathers or obligors who  
22 were served with a summons and complaint to establish  
23 paternity or a support order, and the number of alleged  
24 fathers or obligors for whom it is required that paternity  
25 or a support order be established. In order to be counted  
26 under this paragraph, the alleged father or obligor shall  
27 be successfully served with process. An alleged father  
28 shall be counted under this paragraph only once if he is  
29 served with process simultaneously for both a paternity  
30 and a support order proceeding for the same child or  
31 children. For purposes of this paragraph, a support order  
32 shall include a medical support order.

33 (3) The number of new asset seizures or successful  
34 initial collections on a wage assignment for purposes of  
35 child support collection. For purposes of this paragraph,  
36 a collection made on a wage assignment shall be counted  
37 only once for each wage assignment issued.

38 (4) The number of children requiring paternity  
39 establishment and the number of children for whom  
40 paternity has been established during the period.

1 Paternity may only be established once for each child.  
2 Any child for whom paternity is not at issue shall not be  
3 counted in the number of children for whom paternity  
4 has been established. For this purpose, paternity is not at  
5 issue if the parents were married and neither parent  
6 challenges paternity or a voluntary paternity declaration  
7 has been executed by the parents prior to the county  
8 child support enforcement program obtaining the case  
9 and neither parent challenges paternity.

10 (5) The number of cases requiring that a support order  
11 be established and the number of cases that had a support  
12 order established during the period. A support order shall  
13 be counted as established only when the appropriate  
14 court has issued an order for child support, including an  
15 order for temporary child support, or an order for  
16 medical support.

17 (6) The total cost of administering the county child  
18 support enforcement program, including the federal,  
19 state, and county share of the costs and the federal and  
20 state incentives received by each county. The total cost  
21 of administering the program shall be broken down by  
22 the following:

23 (A) The direct costs of the program, broken down  
24 further by total employee salaries and benefits, a list of  
25 the number of employees broken down into at least the  
26 following categories: attorneys, administrators,  
27 caseworkers, investigators, and clerical support;  
28 contractor costs; space charges; and payments to other  
29 county agencies. Employee salaries and numbers need  
30 only be reported in the annual report.

31 (B) The indirect costs, showing all overhead charges.

32 (7) The total child support collections due, broken  
33 down by current support, interest on arrears, and  
34 principal, and the total child support collections that have  
35 been collected, broken down by current support, interest  
36 on arrears, and principal.

37 (8) The actual case status for all cases in the county  
38 child support enforcement program. Each case shall be  
39 reported in one case status only. If a case falls within more  
40 than one status category, it shall be counted in the first

1 status category of the list set forth below in which it  
2 qualifies. The following shall be the case status choices:

3 (A) No support order, location of obligor parent  
4 required.

5 (B) No support order, alleged obligor parent located  
6 and paternity required.

7 (C) No support order, location and paternity not at  
8 issue but support order must be established.

9 (D) Support order established with current support  
10 obligation and obligor is in compliance with support  
11 obligation.

12 (E) Support order established with current support  
13 obligation, obligor is in arrears and location of obligor is  
14 necessary.

15 (F) Support order established with current support  
16 obligation, obligor is in arrears, and location of obligor's  
17 assets is necessary.

18 (G) Support order established with current support  
19 obligation, obligor is in arrears and no location of obligor  
20 or obligor's assets is necessary.

21 (H) Support order established with current support  
22 obligation, obligor is in arrears, the obligor is located, but  
23 the district attorney has established satisfactorily that the  
24 obligor has no income or assets and no ability to earn.

25 (I) Support order established with current support  
26 obligation and arrears, obligor is paying the current  
27 support and is paying some or all of the interest on the  
28 arrears, but is paying no principal.

29 (J) Support order established for arrears only and  
30 obligor is current in repayment obligation.

31 (K) Support order established for arrears only, obligor  
32 is not current in arrears repayment schedule and location  
33 of obligor is required.

34 (L) Support order established for arrears only, obligor  
35 is not current in arrears repayment schedule and location  
36 of obligor's assets is required.

37 (M) Support order established for arrears only, obligor  
38 is not current in arrears repayment schedule, and no  
39 location of obligor or obligor's assets is required.

1 (N) Support order established for arrears only, obligor  
2 is not current in arrears repayment, and the obligor is  
3 located, but the district attorney has established  
4 satisfactorily that the obligor has no income or assets and  
5 no ability to earn.

6 (O) Support order established for arrears only and  
7 obligor is repaying some or all of the interest, but no  
8 principal.

9 (P) Other, if necessary, to be defined in the  
10 regulations promulgated under subdivision (e).

11 (e) Upon implementation of the statewide automated  
12 system, and ARS, or at such time as the department  
13 determines that compliance with this subdivision is  
14 possible, each county that is participating in the state  
15 incentive program described in Section 15200.81 shall  
16 collect and report, and the department shall compile for  
17 each participating county, information on the county  
18 child support program in each fiscal year, all of the  
19 following data, in a manner that facilitates comparison of  
20 counties and the entire state, except that the department  
21 may eliminate or modify the requirement to report any  
22 data mandated to be reported pursuant to this subdivision  
23 if the department determines that the district attorneys  
24 are unable to accurately collect and report the  
25 information or that collecting and reporting of the data  
26 by the district attorneys will be onerous:

27 (1) The number of alleged obligors or fathers who  
28 receive CalWORKs benefits, food stamp benefits, and  
29 Medi-Cal benefits.

30 (2) The number of obligors or alleged fathers who  
31 were in state prison or county jail.

32 (3) The number of obligors or alleged fathers who do  
33 not have a social security number.

34 (4) The number of obligors or alleged fathers whose  
35 address is unknown.

36 (5) The number of obligors or alleged fathers whose  
37 complete name, consisting of at least a first and last name,  
38 is not known by the county district attorney's office.

(6) The number of obligors or alleged fathers who filed a tax return with the Franchise Tax Board in the last year for which a data match is available.

(7) The number of obligors or alleged fathers who have no income reported to the Employment Development Department during the third quarter of the fiscal year.

(8) The number of obligors or alleged fathers who have income between one dollar (\$1) and five hundred dollars (\$500) reported to the Employment Development Department during the third quarter of the fiscal year.

(9) The number of obligors or alleged fathers who have income between five hundred one dollars (\$501) and one thousand five hundred dollars (\$1,500) reported to the Employment Development Department during the third quarter of the fiscal year.

(10) The number of obligors or alleged fathers who have income between one thousand five hundred one dollars (\$1,501) and two thousand five hundred dollars (\$2,500) reported to the Employment Development Department during the third quarter of the fiscal year.

(11) The number of obligors or alleged fathers who have income between two thousand five hundred one dollars (\$2,501) and three thousand five hundred dollars (\$3,500) reported to the Employment Development Department during the third quarter of the fiscal year.

(12) The number of obligors or alleged fathers who have income between three thousand five hundred one dollars (\$3,501) and four thousand five hundred dollars (\$4,500) reported to the Employment Development Department during the third quarter of the fiscal year.

(13) The number of obligors or alleged fathers who have income between four thousand five hundred one dollars (\$4,501) and five thousand five hundred dollars (\$5,500) reported to the Employment Development Department during the third quarter of the fiscal year.

(14) The number of obligors or alleged fathers who have income between five thousand five hundred one dollars (\$5,501) and six thousand five hundred dollars

1 (\$6,500) reported to the Employment Development  
2 Department during the third quarter of the fiscal year.

3 (15) The number of obligors or alleged fathers who  
4 have income between six thousand five hundred one  
5 dollars (\$6,501) and seven thousand five hundred dollars  
6 (\$7,500) reported to the Employment Development  
7 Department during the third quarter of the fiscal year.

8 (16) The number of obligors or alleged fathers who  
9 have income between seven thousand five hundred one  
10 dollars (\$7,501) and nine thousand dollars (\$9,000)  
11 reported to the Employment Development Department  
12 during the third quarter of the fiscal year.

13 (17) The number of obligors or alleged fathers who  
14 have income exceeding nine thousand dollars (\$9,000)  
15 reported to the Employment Development Department  
16 during the third quarter of the fiscal year.

17 (18) The number of obligors or alleged fathers who  
18 have two or more employers reporting earned income to  
19 the Employment Development Department during the  
20 third quarter of the fiscal year.

21 (19) The number of obligors or alleged fathers who  
22 receive unemployment benefits during the third quarter  
23 of the fiscal year.

24 (20) The number of obligors or alleged fathers who  
25 receive state disability benefits during the third quarter  
26 of the fiscal year.

27 (21) The number of obligors or alleged fathers who  
28 receive workers' compensation benefits during the third  
29 quarter of the fiscal year.

30 (22) The number of obligors or alleged fathers who  
31 receive Social Security Disability Insurance benefits  
32 during the third quarter of the fiscal year.

33 (23) The number of obligors or alleged fathers who  
34 receive Supplemental Security Income/State  
35 Supplementary Program for the Aged, Blind and  
36 Disabled benefits during the third quarter of the fiscal  
37 year.

38 (f) The department, in consultation with the  
39 Legislative Analyst's office, the Judicial Council, the  
40 California Family Support Council, and child support

1 advocates, shall develop regulations to ensure that all  
2 county child support enforcement programs report the  
3 data required by this section uniformly and consistently  
4 throughout California.

5 (g) The department shall provide the information for  
6 all participating counties for the 1998–99 fiscal year to  
7 each member of a county board of supervisors, county  
8 executive officer, district attorney, and the appropriate  
9 policy committees and fiscal committees of the  
10 Legislature by December 31, 1999. The department shall  
11 provide the information for each subsequent fiscal  
12 quarter and fiscal year no later than three months  
13 following the end of the fiscal quarter and no later than  
14 nine months following the end of the fiscal year. The  
15 department shall present the information in a manner  
16 that facilitates comparison of county performance.

17 (h) For purposes of this section, “case” means a  
18 noncustodial parent, whether mother, father, or putative  
19 father, who is, or eventually may be, obligated under law  
20 for support of a child or children. For purposes of this  
21 definition, a noncustodial parent shall be counted once  
22 for each family that has a dependent child he or she may  
23 be obligated to support.

24 (i) This section shall be operative only for as long as  
25 Section 15200.92 requires participating counties to report  
26 data to the department.

27 SEC. 11. Section 11478.1 of the Welfare and  
28 Institutions Code is amended to read:

29 11478.1. (a) It is the intent of the Legislature to  
30 protect individual rights of privacy, and to facilitate and  
31 enhance the effectiveness of the child and spousal  
32 support enforcement program, by ensuring the  
33 confidentiality of support enforcement and child  
34 abduction records, and to thereby encourage the full and  
35 frank disclosure of information relevant to all of the  
36 following:

37 (1) The establishment or maintenance of parent and  
38 child relationships and support obligations.

39 (2) The enforcement of the child support liability of  
40 absent parents.

1 (3) The enforcement of spousal support liability of the  
2 spouse or former spouse to the extent required by the  
3 state plan under Section 11475.2 of this code and Chapter  
4 6 (commencing with Section 4900) of Part 5 of Division  
5 9 of the Family Code.

6 (4) The location of absent parents.

7 (5) The location of parents and children abducted,  
8 concealed, or detained by them.

9 (b) (1) Except as provided in subdivision (c), all files,  
10 applications, papers, documents, and records established  
11 or maintained by any public entity pursuant to the  
12 administration and implementation of the child and  
13 spousal support enforcement program established  
14 pursuant to Part D (commencing with Section 651) of  
15 Subchapter IV of Chapter 7 of Title 42 of the United States  
16 Code and this article, shall be confidential, and shall not  
17 be open to examination or released for disclosure for any  
18 purpose not directly connected with the administration  
19 of the child and spousal support enforcement program.  
20 No public entity shall disclose any file, application, paper,  
21 document, or record, or the information contained  
22 therein, except as expressly authorized by this section.

23 (2) In no case shall information be released or the  
24 whereabouts of one party or the child disclosed to another  
25 party, or to the attorney of any other party, if a protective  
26 order has been issued by a court or administrative agency  
27 with respect to the former party, a good cause claim  
28 under Section 11477.04 has been approved or is pending,  
29 or the public agency responsible for establishing  
30 paternity or enforcing support has reason to believe that  
31 the release of the information may result in physical or  
32 emotional harm to the former party or the child.

33 (3) Notwithstanding any other provision of law, a  
34 proof of service filed by the district attorney shall not  
35 disclose the address where service of process was  
36 accomplished. Instead, the district attorney shall keep the  
37 address in his or her own records. The proof of service  
38 shall specify that the address is on record at the district  
39 attorney's office and that the address may be released



1 only upon an order from the court pursuant to paragraph  
2 (6) of subdivision (c).

3 (c) Disclosure of the information described in  
4 subdivision (b) is authorized as follows:

5 (1) All files, applications, papers, documents and  
6 records as described in subdivision (b) shall be available  
7 and may be used by a public entity for all administrative,  
8 civil, or criminal investigations, actions, proceedings, or  
9 prosecutions conducted in connection with the  
10 administration of the child and spousal support  
11 enforcement program approved under Part D  
12 (commencing with Section 651) of Subchapter IV of  
13 Chapter 7 of Title 42 of the United States Code, and any  
14 other plan or program described in Section 303.21 of Title  
15 45 of the Code of Federal Regulations.

16 (2) A document requested by a person who wrote,  
17 prepared, or furnished the document may be examined  
18 by or disclosed to that person or his or her designee.

19 (3) The payment history of an obligor pursuant to a  
20 support order may be examined by or released to the  
21 court, the obligor, or the person on whose behalf  
22 enforcement actions are being taken or that person's  
23 designee.

24 (4) Income and expense information of either parent  
25 may be released to the other parent for the purpose of  
26 establishing or modifying a support order.

27 (5) Public records subject to disclosure under the  
28 Public Records Act (Chapter 3.5 (commencing with  
29 Section 6250) of Division 7 of the Government Code) may  
30 be released.

31 (6) After a noticed motion and a finding by the court,  
32 in a case in which establishment or enforcement actions  
33 are being taken, that release or disclosure to the obligor  
34 or obligee is required by due process of law, the court may  
35 order a public entity that possesses an application, paper,  
36 document, or record as described in subdivision (b) to  
37 make that item available to the obligor or obligee for  
38 examination or copying, or to disclose to the obligor or  
39 obligee the contents of that item. Article 9 (commencing  
40 with Section 1040) of Chapter 4 of Division 3 of the

1 Evidence Code shall not be applicable to proceedings  
2 under this part. At any hearing of a motion filed pursuant  
3 to this section, the court shall inquire of the district  
4 attorney and the parties appearing at the hearing if there  
5 is reason to believe that release of the requested  
6 information may result in physical or emotional harm to  
7 a party. If the court determines that harm may occur, the  
8 court shall issue any protective orders or injunctive  
9 orders restricting the use and disclosure of the  
10 information as are necessary to protect the individuals.

11 (7) To the extent not prohibited by federal law or  
12 regulation, information indicating the existence or  
13 imminent threat of a crime against a minor child, or  
14 location of a concealed, detained, or abducted child or the  
15 location of the concealing, detaining, or abducting  
16 person, may be disclosed to any district attorney, any  
17 appropriate law enforcement agency, or to any state or  
18 county child protective agency, or may be used in any  
19 judicial proceedings to prosecute that crime or to protect  
20 the child.

21 (8) The social security number, most recent address,  
22 and the place of employment of the absent parent may be  
23 released to an authorized person as defined in Section  
24 653(c) of Title 42 of the United States Code, only if the  
25 authorized person has filed a request for the information,  
26 and only if the information has been provided to the  
27 California Parent Locator Service by the federal Parent  
28 Locator Service pursuant to Section 653 of Title 42 of the  
29 United States Code.

30 (d) (1) “Administration and implementation of the  
31 child and spousal support enforcement program,” as used  
32 in this section, means the carrying out of the state and  
33 local plans for establishing, modifying, and enforcing  
34 child support obligations, enforcing spousal support  
35 orders, and determining paternity pursuant to Part D  
36 (commencing with Section 651) of Subchapter IV of  
37 Chapter 7 of Title 42 of the United States Code and this  
38 article.

39 (2) For purposes of this section, “obligor” means any  
40 person owing a duty of support.

(3) As used in this chapter, “putative parent” shall refer to any person reasonably believed to be the parent of a child for whom the district attorney is attempting to establish paternity or establish, modify, or enforce support pursuant to Section 11475.1.

(e) Any person who willfully, knowingly, and intentionally violates this section is guilty of a misdemeanor.

(f) Nothing in this section shall be construed to compel the disclosure of information relating to a deserting parent who is a recipient of aid under a public assistance program for which federal aid is paid to this state, if that information is required to be kept confidential by the federal law or regulations relating to the program.

SEC. 12. Section 11478.2 of the Welfare and Institutions Code is amended to read:

11478.2. (a) In all actions involving paternity or support, including, but not limited to, proceedings under the Family Code, and under this division, the district attorney and Attorney General represent the public interest in establishing, modifying, and enforcing support obligations. No attorney-client relationship shall be deemed to have been created between the district attorney or Attorney General and any person by virtue of the action of the district attorney or the Attorney General in carrying out these statutory duties.

(b) The provisions of subdivision (a) are declarative of existing law.

(c) In all requests for services of the district attorney or Attorney General pursuant to Section 11475.1 relating to actions involving paternity or support, not later than the same day an individual makes a request for these services in person, and not later than five working days after either (1) a case is referred for services from the county welfare department, (2) receipt of a request by mail for an application for services, or (3) an individual makes a request for services by telephone, the district attorney or Attorney General shall give notice to the individual requesting services or on whose behalf services have been requested that the district attorney or

1 Attorney General does not represent the individual or the  
2 children who are the subject of the case, that no  
3 attorney-client relationship exists between the district  
4 attorney or Attorney General and those persons, and that  
5 no such representation or relationship shall arise if the  
6 district attorney or Attorney General provides the  
7 services requested. Notice shall be in bold print and in  
8 plain English and shall be translated into the language  
9 understandable by the recipient when reasonable. The  
10 notice shall include the advice that the absence of an  
11 attorney-client relationship means that communications  
12 from the recipient are not privileged and that the district  
13 attorney or Attorney General may provide support  
14 enforcement services to the other parent in the future.

15 (d) The district attorney or Attorney General shall  
16 give the notice required pursuant to subdivision (c) to all  
17 recipients of services under Section 11475.1 who have not  
18 otherwise been provided that notice, not later than the  
19 date of the next annual notice required under Section  
20 11476.2. This notice shall include notification to the  
21 recipient of services under Section 11475.1 that the  
22 recipient may inspect the clerk's file at the county clerk's  
23 office, and that, upon request, the district attorney, or, if  
24 appropriate, the Attorney General, will furnish a copy of  
25 the most recent order entered in the case.

26 (e) The district attorney, or, if appropriate, the  
27 Attorney General, shall serve a copy of the complaint for  
28 paternity or support, or both on recipients of support  
29 services under Section 11475.1, as specified in paragraph  
30 (2) of subdivision (e) of Section 11350.1. A notice shall  
31 accompany the complaint which informs the recipient  
32 that the district attorney or Attorney General may enter  
33 into a stipulated order resolving the complaint, and that  
34 if the recipient wishes to assist the prosecuting attorney,  
35 he or she should send all information on the noncustodial  
36 parent's earnings and assets to the prosecuting attorney.

37 (f) (1) The district attorney or Attorney General shall  
38 provide written notice to recipients of services under  
39 Section 11475.1 of the initial date and time, and purpose

1 of every hearing in a civil action for paternity or support.  
2 The notice shall include the following language:

3  
4                   IMPORTANT NOTICE  
5

6       It may be important that you attend the hearing. The  
7       district attorney does not represent you or your  
8       children. You may have information about the  
9       noncustodial parent, such as information about his or  
10      her income or assets, or your need for support that will  
11      not be presented to the court unless you attend the  
12      hearing. You have the right to be heard in court and tell  
13      the court what you think the court should do with the  
14      child support order.

15  
16      If you have a court order for support that arose as part  
17      of your divorce, this hearing could change your rights  
18      or your children's rights to support. You have the right  
19      to attend the hearing and, the right, to be heard.

20  
21      If you would like to attend the hearing and be told  
22      about any changes to the hearing date or time, notify  
23      this office by \_\_\_\_\_. The district attorney or  
24      Attorney General will then have to tell you about any  
25      changes to the hearing date or time.

26  
27      (2) The notice shall state the purpose of the hearing or  
28      be attached to the motion or other pleading which caused  
29      the hearing to be scheduled.

30      (3) The notice shall be provided separate from all  
31      other material and shall be in at least 14-point type. The  
32      failure of the district attorney or Attorney General to  
33      comply with this subdivision shall not affect the validity  
34      of any order.

35      (4) The notice shall be provided not later than seven  
36      calendar days prior to the hearing, or, if the district  
37      attorney or Attorney General receives notice of the  
38      hearing less than seven days prior to the hearing, within  
39      two days of the receipt by the district attorney or  
40      Attorney General of the notice of the hearing.

1 (5) The district attorney or Attorney General shall, in  
2 order to implement this subdivision, make reasonable  
3 efforts to ensure that the district attorney or Attorney  
4 General has current addresses for recipients of support  
5 enforcement services.

6 (g) The district attorney or Attorney General shall  
7 give notice to recipients of services under Section 11475.1  
8 of every order obtained by the district attorney or  
9 Attorney General that establishes or modifies the support  
10 obligation for the recipient or the children who are the  
11 subject of the order, by sending a copy of the order to the  
12 recipient. The notice shall be made within the time  
13 specified by federal law after the order has been filed.  
14 The district attorney or Attorney General shall also give  
15 notice to these recipients of every order obtained in any  
16 other jurisdiction, that establishes or modifies the support  
17 obligation for the recipient or the children who are the  
18 subject of the order, and which is received by the district  
19 attorney or Attorney General, by sending a copy of the  
20 order to the recipient within the timeframe specified by  
21 federal law after the district attorney or Attorney General  
22 has received a copy of the order. In any action enforced  
23 under Chapter 6 (commencing with Section 4900) of Part  
24 5 of Division 9 of the Family Code, the notice shall be  
25 made in compliance with the requirements of that  
26 chapter. The failure of the district attorney or Attorney  
27 General to comply with this subdivision shall not affect  
28 the validity of any order.

29 (h) The district attorney or Attorney General shall  
30 give notice to the noncustodial parent against whom a  
31 civil action is filed that the district attorney or Attorney  
32 General is not the attorney representing any individual,  
33 including, but not limited to, the custodial parent, the  
34 child, or the noncustodial parent.

35 (i) Nothing in this section shall be construed to  
36 preclude any person who is receiving services under  
37 Section 11475.1 from filing and prosecuting an  
38 independent action to establish, modify, and enforce an  
39 order for current support on behalf of himself or herself  
40 or a child if that person is not receiving public assistance.

1 (j) A person who is receiving services under Section  
2 11475.1 but who is not currently receiving public  
3 assistance on his or her own behalf or on behalf of a child  
4 shall be asked to execute, or consent to, any stipulation  
5 establishing or modifying a support order in any action in  
6 which that person is named as a party, before the  
7 stipulation is filed. The district attorney or Attorney  
8 General shall not submit to the court for approval a  
9 stipulation to establish or modify a support order in such  
10 an action without first obtaining the signatures of all  
11 parties to the action, their attorneys of record, or persons  
12 authorized to act on their behalf.

13 (k) The district attorney or Attorney General shall not  
14 enter into a stipulation which reduces the amount of past  
15 due support, including interest and penalties accrued  
16 pursuant to an order of current support, on behalf of a  
17 person who is receiving support enforcement services  
18 under Section 11475.1 and who is owed support  
19 arrearages that exceed unreimbursed public assistance  
20 paid to the recipient of the support enforcement services,  
21 without first obtaining the consent of the person who is  
22 receiving services under Section 11475.1 on his or her own  
23 behalf or on behalf of the child.

24 (l) The notices required in this section shall be  
25 provided in the following manner:

26 (1) In all cases in which the person receiving services  
27 under Section 11475.1 resides in California, notice shall be  
28 provided by mailing the item by first-class mail to the last  
29 known address of, or personally delivering the item to,  
30 that person.

31 (2) In all actions enforced under Chapter 6  
32 (commencing with Section 4900) of Part 5 of Division 9  
33 of the Family Code, unless otherwise specified, notice  
34 shall be provided by mailing the item by first-class mail  
35 to the initiating court.

36 (m) Notwithstanding any other provision of this  
37 section, the notices provided for pursuant to subdivisions  
38 (c) to (g), inclusive, shall not be required in foster care  
39 cases.

1 SEC. 13. Section 16576 of the Welfare and Institutions  
2 Code is amended to read:

3 16576. (a) The department shall develop an  
4 implementation plan for the Statewide Child Support  
5 Registry. The Statewide Child Support Registry shall be  
6 operated by the agency responsible for operation of the  
7 Statewide Automated Child Support System (SACSS) or  
8 its replacement. The Statewide Child Support Registry  
9 shall include storage and data retrieval of the data  
10 elements specified in Section 16577 for all California child  
11 support orders. The plan shall be developed in  
12 consultation with clerks of the court, district attorneys,  
13 and child support advocates. The plan shall be submitted  
14 to the Legislature by January 31, 1998. The  
15 implementation plan shall explain in general terms,  
16 among other things, how the Statewide Child Support  
17 Registry will operate to ensure that all data in the  
18 Statewide Child Support Registry can be accessed and  
19 how data shall be integrated for statistical analysis and  
20 reporting purposes with all child support order data  
21 contained in the Statewide Automated Child Support  
22 System or its replacement and the Los Angeles  
23 Automated Child Support Enforcement System  
24 (ACSES) Replacement System.

25 (b) Commencing no later than October 1, 1998, each  
26 clerk of the court shall provide the information specified  
27 in Section 16577 within 20 days to the department or the  
28 Statewide Child Support Registry from each new or  
29 modified child support order, including child support  
30 arrearage orders.

31 (c) Commencing no later than October 1, 1998, the  
32 department shall maintain a system for compiling the  
33 child support data received from the clerks of the court,  
34 ensure that all child support data received from the clerks  
35 of the court are entered into the Statewide Child Support  
36 Registry within 10 days of receipt in the Statewide Child  
37 Support Registry, and ensure that the Statewide Child  
38 Support Registry is fully implemented statewide.

39 (d) Commencing no later than October 1, 1998, the  
40 department shall provide aggregate data on a periodic



1 basis on the data maintained by the Statewide Child  
2 Support Registry to the Judicial Council, the appropriate  
3 agencies of the executive branch, and the Legislature for  
4 statistical analysis and review. The data shall not include  
5 individual identifying information for specific cases.

6 (e) Commencing no later than October 1, 1998, any  
7 information maintained by the Statewide Child Support  
8 Registry received from clerks of the courts shall be  
9 provided to county district attorneys, the Franchise Tax  
10 Board, the courts, and others as provided by law.

11 (f) On or before October 1, 1998, the department shall  
12 submit a report to the appropriate policy and fiscal  
13 committees of the Legislature on the requirements of this  
14 chapter.

15 SEC. 14. Section 16576.5 of the Welfare and  
16 Institutions Code is repealed.

17 SEC. 15. Section 16577 of the Welfare and Institutions  
18 Code is repealed.

19 SEC. 16. Section 16577 is added to the Welfare and  
20 Institutions Code, to read:

21 16577. (a) The Judicial Council shall develop any  
22 forms that may be necessary to implement the Statewide  
23 Child Support Registry. The forms may be in electronic  
24 form or in hard copy, as appropriate. The forms shall be  
25 developed so as not to delay implementation, and shall be  
26 available no later than 30 days prior to the  
27 implementation, of the Statewide Child Support  
28 Registry.

29 (b) The information transmitted from the clerks of the  
30 court to the Statewide Child Support Registry shall  
31 include all of the following:

32 (1) Any information required under federal law.

33 (2) Any other information the department and the  
34 Judicial Council find appropriate.

35 SEC. 17. Notwithstanding Section 17610 of the  
36 Government Code, if the Commission on State Mandates  
37 determines that this act contains costs mandated by the  
38 state, reimbursement to local agencies and school  
39 districts for those costs shall be made pursuant to Part 7  
40 (commencing with Section 17500) of Division 4 of Title

1 2 of the Government Code. If the statewide cost of the  
2 claim for reimbursement does not exceed one million  
3 dollars (\$1,000,000), reimbursement shall be made from  
4 the State Mandates Claims Fund.

5 Notwithstanding Section 17580 of the Government  
6 Code, unless otherwise specified, the provisions of this act  
7 shall become operative on the same date that the act  
8 takes effect pursuant to the California Constitution.

